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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2022-03

**LEGISTAR:** 20211036

**LANDOWNERS:** MUST Ministries, Inc. & Djak Investments, LLC  
1407 Cobb Parkway North  
Marietta, GA 30061

**APPLICANT:** Gracepoint School, Inc.  
570 Piedmont Road  
Marietta, GA 30066

**AGENT:** Bentley, Bentley & Bentley  
241 Washington Avenue  
Marietta, GA 30060

**PROPERTY ADDRESS:** 1407 Cobb Pkwy N & 1399 Cobb Pkwy N  
Marietta, GA 30061

**PARCEL DESCRIPTION:** 16 08670 0440 & 16 09340 0260

**AREA:** ~ 4.45 acres total

**COUNCIL WARD:** 4B

**EXISTING ZONING:** CRC (Community Retail Commercial)

**REQUEST:** OI (Office Institutional)

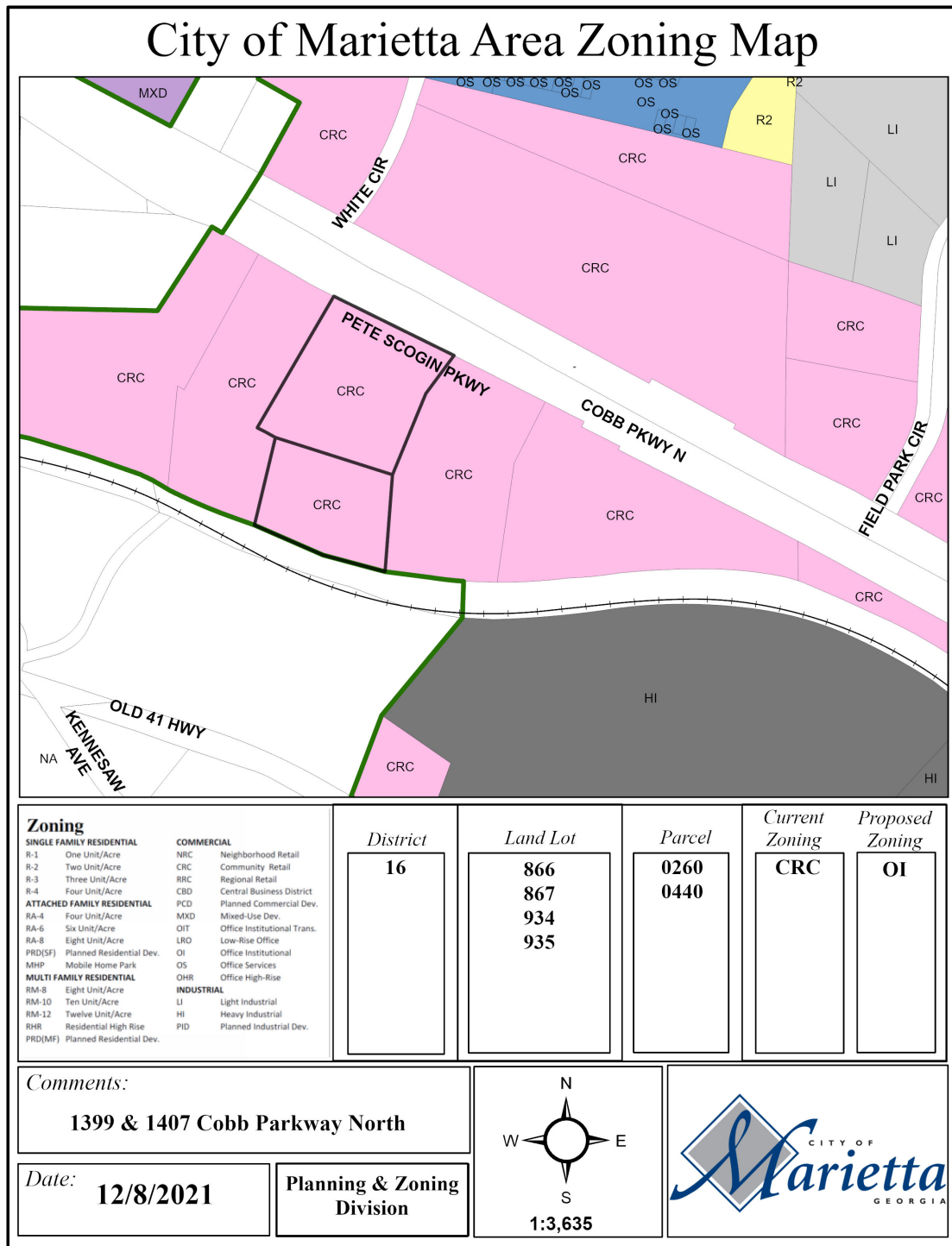
**FUTURE LAND USE:** CAC (Community Activity Center)

**REASON FOR REQUEST:** The applicant, Gracepoint School, Inc., is requesting the rezoning (and subsequent combining) of the subject properties at 1399 Cobb Parkway North and 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use in order to use the existing structure as a private school for children with dyslexia.

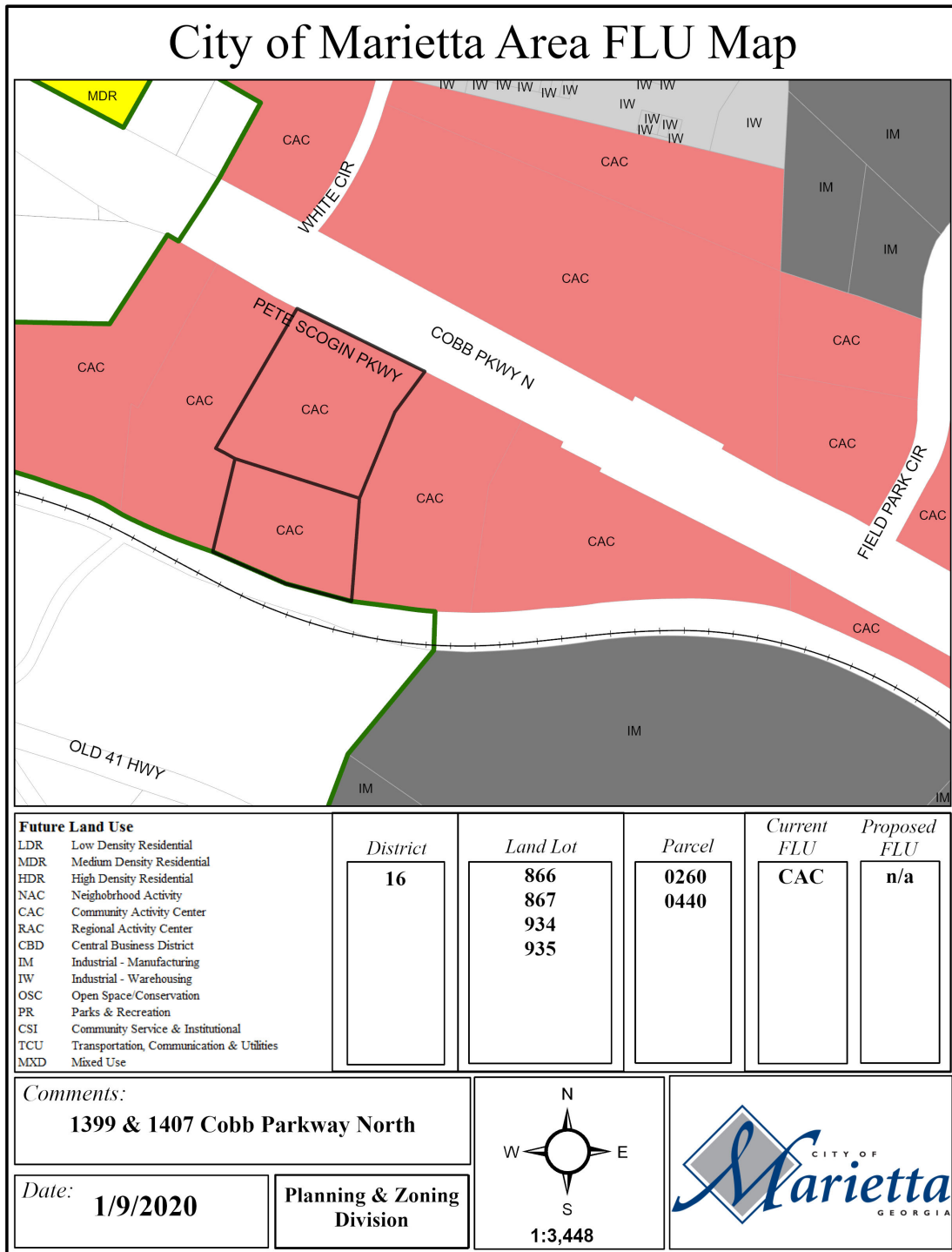
**PLANNING COMMISSION HEARING:** Tuesday, January 4, 2022 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, January 12, 2022 – 7:00 p.m.

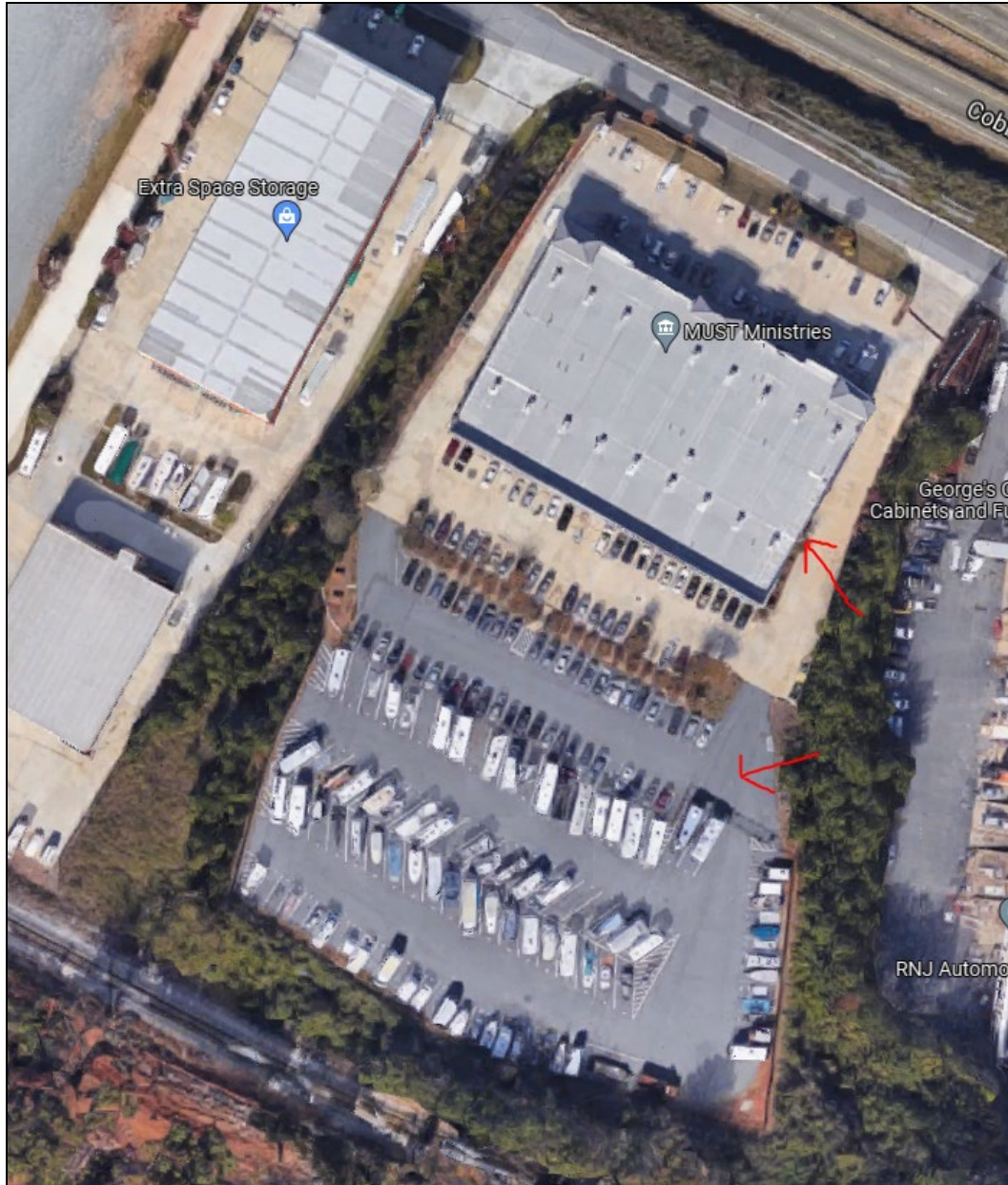
## MAP



## FLU MAP



## PICTURES OF PROPERTY



**Subject properties at 1399 and 1407 Cobb Parkway North**





**1407 Cobb Parkway N**



**1399 Cobb Parkway N**

## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Gracepoint School, Inc., is requesting the rezoning and subsequent combination of the two (2) properties at 1399 & 1407 Cobb Parkway North in order to use the existing structure as a private school for children with dyslexia and for additional parking located in the rear (1399 Cobb Pkwy N). The subject properties are approximately 4.45 acres total and are both zoned CRC (Community Retail Commercial); the surrounding area is comprised of properties zoned commercially as well.

### *Use Potential and Impacts*

Gracepoint School, Inc., would like to use the subject property as their new campus. Previously, Gracepoint School operated at 2005 Stilesboro Road (with City Council approval) from 2012-2015. The proposed facilities on the school's campus would include twenty-five (25) classroom buildings - grades one (1) through eight (8), a gymnasium, and attendant parking located towards the rear of the building.

The surrounding area is zoned exclusively for commercial use: a self-storage space, an auto repair shop, custom furniture store, as well as an RV auto dealer across the street from the subject property, all make up this portion of Cobb Pkwy N. There is also an active railroad directly south of 1399 Cobb Pkwy N. The applicant has provided a survey of existing conditions and has stated they will be utilizing the current 30,000 square foot building located along Cobb Parkway North. The building has been previously used as food pantry and clothing store operated by Must Ministries.

The OI district is intended to provide suitable areas for non-retail commercial uses such as offices and financial institutions, schools, and clinics. The use of this property as a school would be substantially similar in character and impact to uses associated with other properties zoned OI. These uses are intended to be less intense than those allowed under the CRC classification, although a school can generate a substantial amount of traffic, noise, and light, even if it is a specialty school that is not open to the general public.

The OI district requires schools to have at least five acres to operate and this particular site is a combined total of only 4.45 acres. Based on the submitted plans, the following variance would be required:

- Variance to reduce the minimum lot acreage for a school from 5 acres to 4.45 acres. [§708.23 (B.19.a)]

The Future Land Use designation for the properties is CAC (Community Activity Center). The purpose of CAC is to provide retail and service needs of several neighborhoods and communities. These areas are typically located near collector and arterial roads to provide a range of goods and services, including businesses and professional offices, which are appropriately located throughout the city. The requested OI zoning is compatible with the FLU designation.

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property.

Prior to any new construction, plans to treat and contain stormwater will have to be submitted and approved by the City's Public Works Department. The site will also be expected to fully comply with the Tree Protection and Landscaping Ordinance if substantial improvements to the site are made.

### *Economic Functionality*

Currently, the property is being used as food pantry and clothing store through Must Ministries. Although functional as currently zoned, the property could support the proposed development.

### *Infrastructure*

The applicant has stated 1407 Cobb Pkwy N has 87 parking spaces total. The classroom rendering shows fourteen (14) elementary-level (grades one through five) classrooms and seven (7) secondary-level (grades six through eight) classrooms. The Traffic and Parking Standards Section of the ordinance states that for *public and private elementary schools or day care centers*, five (5) spaces are required plus two (2) per classroom; for *public and private secondary schools*, fifteen (15) spaces are required plus six (6) per classroom. There are fourteen (14) classrooms grades one (1) through five (5), meaning 33 spaces total are required. For grades after fifth, there are seven (7) classrooms total; meaning 57 spaces are required – bringing the total parking space minimum to 90.

The applicant plans on using the property directly to the rear, 1399 Cobb Pkwy N (Tract 2), for overflow parking once the two (2) parcels are combined – bringing the total number well over the minimum 90 parking spaces. As stated previously, there are 87 spaces located on Tract 1 (1407 Cobb Pkwy N) and also approximately 119 spaces located on Tract 2 (1399 Cobb Pkwy N). The current owner of Tract 2, Djak Investments, LLC, would like the option to continue using the area for parking and storage of vehicles until June 1, 2023. This could present a parking issue if the occupant of Tract 1 (Must Ministries 1407 Cobb Parkway North) vacates and Gracepoint School begins operating the school while the rear parcel (Tract II) is still being used as a vehicle storage yard under Djak Investments, LLC.

Since the zoning ordinance does not allow offsite parking spaces to satisfy parking requirements, an exemption plat to formally combine the properties prior to Gracepoint School beginning operations will be required, should this rezoning request be granted.

### *Overhead Electrical/Utilities*

The proposed development does not interfere with or propose to relocate the existing overhead utility poles.



### *History of Property*

There is no history of any variances, special land use permits, or a rezoning associated with the properties currently in city limits.

### *Other Issues*

The applicant has included a unique request that would allow the existing tenants to continue using the property up until June 1, 2023. According to the requested stipulations, Gracepoint School could take over one or both parcels once the existing operators discontinue use but no later than June 1, 2023. This could present a parking issue if the occupant of Tract 1 (Must Ministries 1407 Cobb Parkway North) vacates and Gracepoint School begins operating the school while the rear parcel (Tract II) is still being used as a vehicle storage yard.





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## ANALYSIS & CONCLUSION

The applicant, Gracepoint School, Inc., is requesting the rezoning and subsequent combination of two (2) properties at 1399 & 1407 Cobb Parkway North in order to use the existing structure as a school for children with dyslexia and for additional parking located in the rear. The subject properties are approximately 4.45 acres total and are both zoned CRC. The surrounding area is zoned exclusively for commercial use: a self-storage space, an auto repair shop, custom furniture store, as well as an RV auto dealer across the street from the subject property, all make up this portion of Cobb Pkwy N. There is also an active railroad directly south of 1399 Cobb Pkwy N.

The applicant has provided a survey of existing conditions and has stated they will be utilizing the current 30,000 square foot building located along Cobb Parkway N. The building has previously been used as food pantry and clothing store operated by Must Ministries but will be converted to include twenty-five (25) classrooms for grades one (1) through eight (8), a gymnasium, and attendant parking located towards the rear of the building. Based on the submitted plans, the following variance would be required:

- Variance to reduce the minimum lot acreage for a school from 5 acres to 4.45 acres. [*§708.23 (B.19.a)*]

The applicant has also included a unique request that would allow the existing tenants to continue using the property up until June 1, 2023. According to the requested stipulations, Gracepoint School could take over one or both parcels once the existing operators discontinue use but no later than June 1, 2023. This could present a parking issue if the occupant of Tract I (Must Ministries 1407 Cobb Parkway North) vacates and Gracepoint School begins operating the school while the rear parcel (Tract II) is still being used as a vehicle storage yard.

The Future Land Use designation for the properties is CAC (Community Activity Center). The purpose of CAC is to provide retail and service needs of several neighborhoods and communities. The requested OI zoning is compatible with the FLU designation.

Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_

## DATA APPENDIX

### COBB COUNTY WATER & WASTEWATER

#### DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Noonday Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

#### Additional Comments:

- Site development plans will need to be submitted for review and approval.

#### TRANSPORTATION

What is the road affected by the proposed change?	Cobb Pkwy/Bil-Jac Rd
What is the classification of the road?	Arterial/Private
What is the traffic count for the road?	Unknown
Estimated # of trips generated by the proposed development?	Unknown
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	Yes
If yes, what are they?	Cobb Pkwy and White Circle Intersection Improvement



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## DATA APPENDIX CONTINUED

### ***EMERGENCY SERVICES***

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Nearest city or county fire station from the development? 56 850 Sawyer Rd

Distance of the nearest station? 3.4 miles

Most likely station for 1<sup>st</sup> response? 56

Service burdens at the nearest city fire station (under, at, or above capacity)? Under

#### **Comments:**

Building will be required to meet all life safety standards for a new education occupancy as set forth in NFPA 101 Chapter 14 as modified by GA State Fire Marshal Office 120-3-3. Fire alarm with emergency forces notification required. Approved, supervised, automatic fire sprinkler system required. All requirements for educational occupancy shall be achieved prior to occupancy of students and/or staff.

### ***MARIETTA POWER - ELECTRICAL***

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Does Marietta Power serve this site? Yes \_\_\_\_\_ No   x  

If not, can this site be served? Yes \_\_\_\_\_ No \_\_\_\_\_

What special conditions would be involved in serving this site?

#### ***Large-load customer choice***

Additional comments:

### ***AICUZ – NOISE OVERLAY***

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This property is not part of the AICUZ or Noise Zone overlay.



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Phone (770) 794-5440

## APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: 22022 - 03 Legistar #: 20211077 PZ #: 21-149  
Planning Commission Hearing: 01/04/2022 City Council Hearing: 01/12/2022

Owner's Name Must Ministries, Inc. and Djak Investments, LLC

Documentation showing names of Principals authorized to sign application is **required for Corporations.**

EMAIL Address: dhausfeld@thelandongroup.com (Must); dhausfeld@thelandongroup.com (Djak)

Mailing Address 1407 Cobb Parkway North, Marietta, GA 30061 Telephone Number \_\_\_\_\_

### COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Gracepoint School, Inc.

EMAIL Address: johncrooks@gmail.com

Mailing Address 570 Piedmont Road, Marietta, Georgia Zip Code: 30066

Telephone Number 678-485-3148 Add'l Email Address: fred@thebentleyfirm.com

Address of property to be rezoned: 1407 Cobb Parkway N., Marietta, Ga. and 1399 Cobb Parkway N., Marietta, Ga.

Land Lot (s) 866, 867, 934 and 935 District \_\_\_\_\_ Parcel 2nd Acreage 16093400260 and 16086700440 4.45 Ward 4B Future Land Use: CRC

Present Zoning Classification: CRC Proposed Zoning Classification: O&I\*conditional - see Exhibit "A"

### REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted.** ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk or jump drive.
2. Legal Description. Legal description must be in a WORD DOCUMENT and included in disc or jump drive.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property. Documentation showing names of Principals authorized to sign application is **required for Corporations.**
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.  
**Copies Required: One (8 1/2" x 11") -or- One (11" x 17") drawn to scale.**  
**Optional:** Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED of the plat size pages.
7. A detailed written description of the proposed development/project must be submitted with the application.
8. **REZONING REQUESTS TO PRD, PCD, PID, or MXD MUST INCLUDE THE GENERAL PLAN CHECKLIST WITH THIS APPLICATION.**



**Rezoning Applicant and Purchaser:** GRACEPOINT SCHOOL, INC.

**Rezoning Application:** 4.45 acres from CRC to O&I conditional, City of Marietta, Georgia

**Property:** 1407 N. Cobb Parkway, Marietta, Georgia 30061 (**“Tract I”**); 1399 N. Cobb Parkway, Marietta, Georgia 30061 (**“Tract II”**)

**Owners/Sellers:** Must Ministries, Inc. (**“Tract I”**) and Djak Investments, LLC (**“Tract II”**)

**Rezoning Request:**

Applicant seeks rezoning to O&I conditional, subject to the following conditions:

- 1) Must Ministries, Inc., including its existing tenants and subtenants on Tract I, shall be permitted to continue using Tract I as it is currently being used until June 1, 2023, as a condition of zoning. Tract I is currently being used for the operation of a Medical Clinic, the operation of a retail establishment known as The Market Place; the operation of a Day Services Operation; the operation of multiple offices; and the operation of a Community Center;
- 2) Djak Investments, LLC shall be permitted to continue using that portion of Tract II as it is currently being used for the storage and parking of vehicles and trailers until June 1, 2023, as a condition of zoning;
- 3) Gracepoint School, Inc. shall be permitted to operate a school utilizing the existing building and parking on Tract I on: 1) the date that Must Ministries, Inc. discontinues the current use referenced in conditions 1 herein; or 2) June 1, 2023, whichever date occurs first.
- 4) Gracepoint School, Inc. shall be permitted to operate a school utilizing the existing parking on Tract II on: 1) the date that Djak Investments, LLC discontinues the current use as referenced in condition 2 herein; or 2) on June 1, 2023, whichever date occurs first.

**Variance Request:**

Applicant seeks approval of the following contemporaneous conditional variance: Section 708.23 of the Marietta Zoning Ordinance to allow the minimum lot size for a school to be reduced from 5 acres to 4.45 acres.

## 12 PARKING ANALYSIS

A parking analysis was performed at the MUST Ministries facility to determine the sufficiency of the existing parking to meet the City of Marietta's requirements for the proposed use as a private school.

### 12.1 FLOOR PLAN/CLASSROOM CALCULATION

Per the Marietta, GA Code of Ordinances, Division 716 – Traffic and Parking Standards, 716.07 – Parking spaces required, Table J. Minimum Parking Required, for the Use, Public and private elementary schools, or day care centers, the Spaces Required is “5 spaces plus 2 per classroom. Figure 2 details the floor plan for the layout of the interior of the school building. Identified are classrooms, office space, conference rooms, gymnasium, etc. From this floor plan the number of classrooms, which are colored yellow, is 25. Following the calculations identified the Code of Ordinances, 55 parking spaces are required. As 87 spaces currently exist, the minimum number of parking spaces are present.

### 12.2 STUDENT TO TEACHER RATIO CALCULATION

Although not required, a complementary analysis was performed to forecast the required number of parking spaces. The GRACEPOINT School provides a special service in that all its students have dyslexia. Due to the need for a smaller student-to-teacher ratio to address this reading condition, the typical ratio is five (5) students to one (1) teacher. The current enrollment is 131 students and with the new facility, the school enrollment could grow to 180 students. Using the student-to-teacher ratio, this projected number of students would require 36 faculty members. Additionally, there would be approximately 15 administrative and support staff. If each of these adults was provided an individual parking space, 51 parking spaces are needed. If an additional 15 spaces were provided for visitors, that would total 66 parking spaces, well below the number of existing parking spaces.

### 12.3 CURRENT PARKING COUNT CALCULATION

Although not required, a third analysis was performed to determine the required number of parking space. During a normal school day site visit at the current GRACEPOINT School location, 47 parked vehicles were counted. The potential in increase enrollment from 131 students to 180 students would be a 37% increase. Applying this factor to the number of parked cars would result in having just under 65 cars requiring a parking space which is below the number of 87 available spaces at the site

In summary, parking requirements were reviewed for the proposed GRACEPOINT School, a Christian independent elementary school, to be located at the current MUST Ministries facility near the intersection of Cobb Parkway /SR 3/US 41 and White Circle-Pete Scogin Parkway. Using the formula in the Marietta, GA Code of Ordinance which is based on the number of classrooms the current 87 parking spaces *would exceed the minimum requirement* for the number of parking spaces. In addition, two other analyses using projected student enrollment were performed and confirmed that adequate parking will be available for the GRACEPOINT School.

**ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.: Unassigned**  
**Hearing Dates: January 4, 2022 (P&Z)**  
**January 12, 2022 (M&C)**

**BEFORE THE PLANNING COMMISSION AND THE  
MAYOR AND CITY COUNCIL FOR THE  
CITY OF MARIETTA, GEORGIA**

**CONSTITUTIONAL CHALLENGE  
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, Gracepoint School, Inc., by and through undersigned counsel, and asserts the following:

1.

Applicant has filed for rezoning of 4.45 acres of land to use as a non-profit school which such land is presently subdivided into two separate parcels, both being zoned Community Retail Commercial (“CRC”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category named above to the proposed zoning category of Office & Institutional with conditions (“O&I conditional”), as established by the governing authority of the City of Marietta, Cobb County, Georgia, under and pursuant to the Zoning and Planning Ordinance of the City of Marietta, Georgia (hereinafter the “Zoning and Planning Ordinance of the City of Marietta”).

3.

As to the current zoning category of CRC, Applicant contends the Zoning and Planning Ordinance of the City of Marietta (hereinafter “Zoning Ordinance”) is unconstitutional

as applied to the Subject Property in that said Zoning Ordinance does not permit the use of the Subject Property as a non-profit school and therefore, deprives Applicant of its Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The CRC zoning category, as it presently exists in not permitting the use of the Subject Property as a non-profit school, together with any intervening zoning categories between the existing category and the requested O&I conditional, violate the Applicant's right to unfettered use of its Property in that said zoning unconstitutional zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinances are unconstitutional in that they are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant.

4.

To the extent the Zoning and Planning Ordinance of the City of Marietta allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates the Applicant's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Marietta, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property



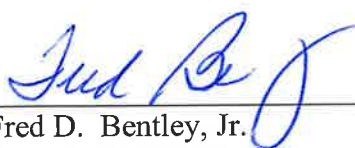
rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Zoning and Planning Ordinance of the City of Marietta is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 22 day of November, 2021.

BY: \_\_\_\_\_

  
Fred D. Bentley, Jr.  
Georgia Bar No. 052850  
Attorney for Applicant

Bentley, Bentley & Bentley  
241 Washington Avenue  
Marietta, GA 30060  
770.422.2300 Office  
Fred@thebentleyfirm.com

## **CITY OF MARIETTA**

### **PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, January 4<sup>th</sup>, 2022, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, January 12<sup>th</sup>, 2022, 7:00 p.m.**, City Hall, for a final decision to be made.

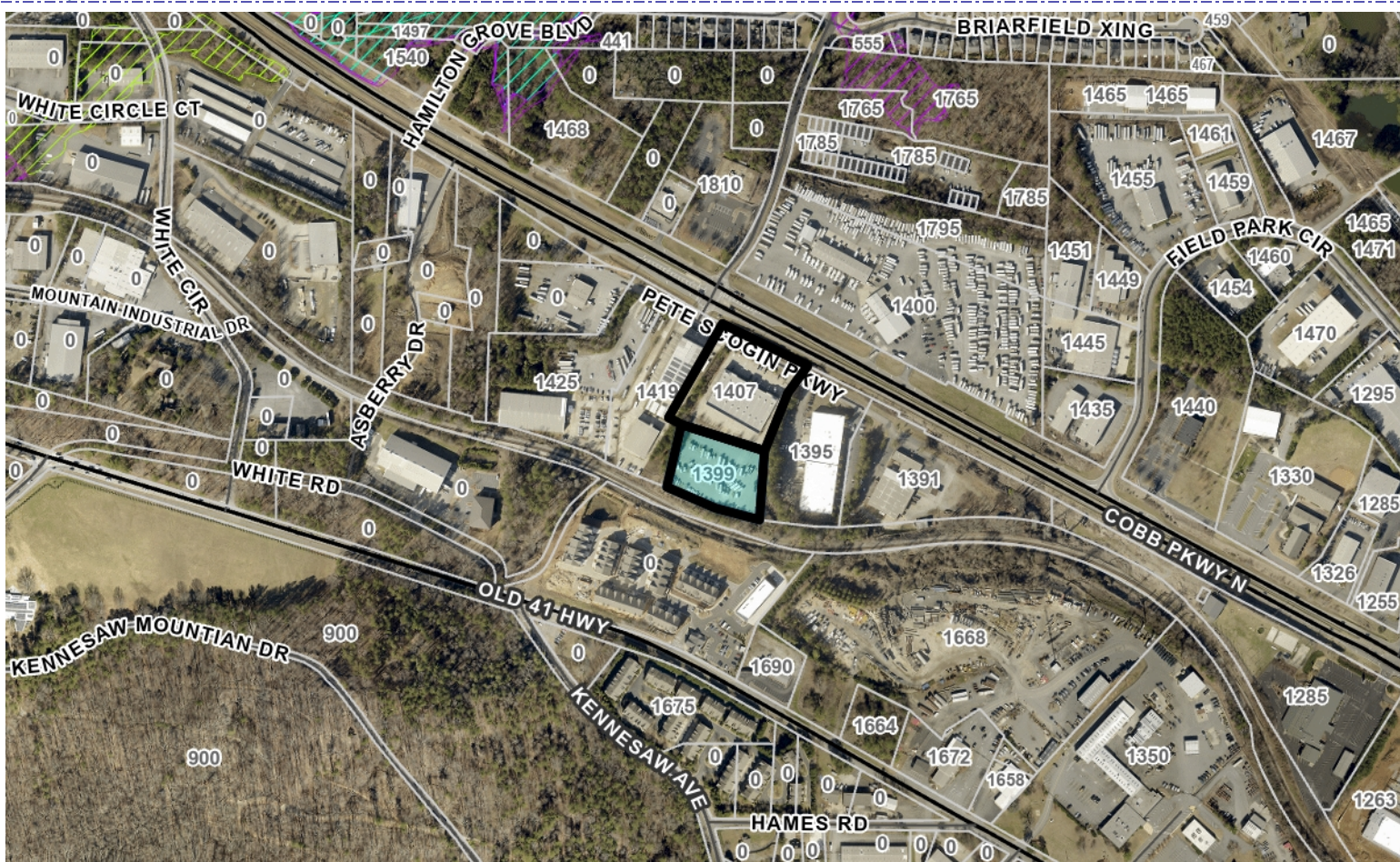
**Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC** is requesting the rezoning of 4.45 acres located in Land Lots 866, 867, 934 & 935, District 16, Parcels 0260 & 0440 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 4B.

A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at [www.mariettaga.gov](http://www.mariettaga.gov) and enter the case # in the search box.




**For additional information please call the Planning and Zoning Office (770) 794-5669.**

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

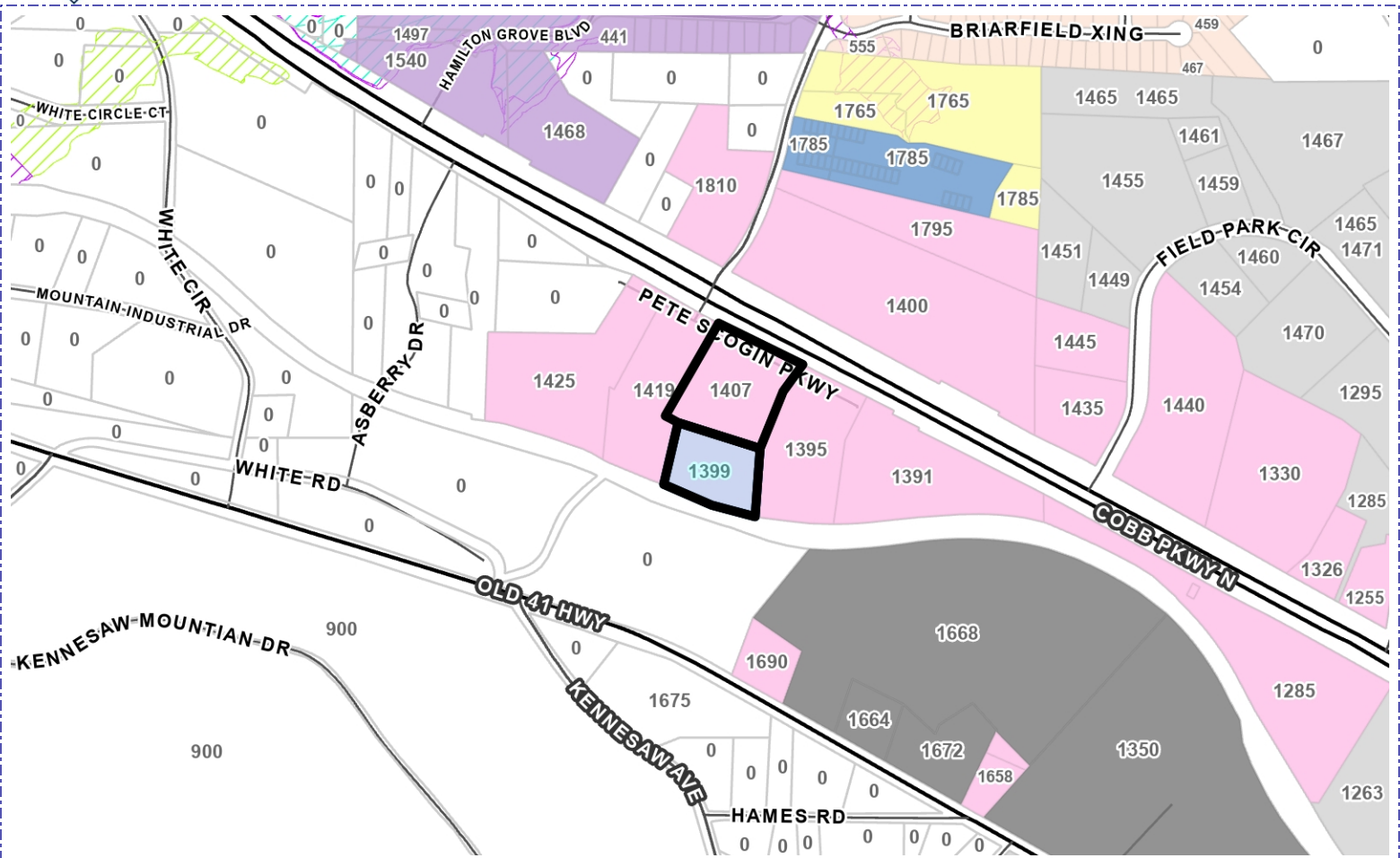


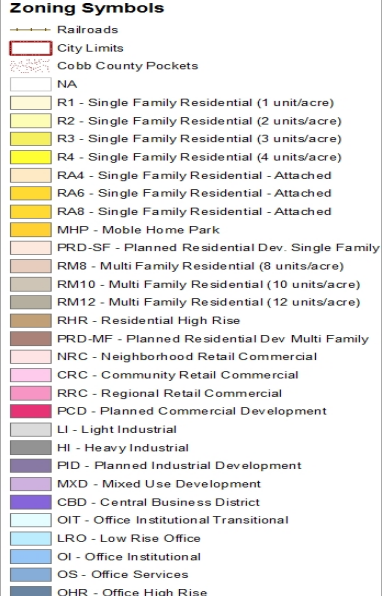
Address	Parcel Number	Acreage	Ward	Zoning	FLU
1399 COBB PKWY N	16093400260	1.908	4B	CRC	CAC
1407 COBB PKWY N	16086700440	2.991	4B	CRC	CAC

Property Owner:	Must Ministries, Inc & Djak Investments, LLC	<b>Legend</b>  Railroads  City Limits  Cobb County Pockets
Applicant:	Gracepoint School, Inc.	
City Council Hearing Date:	01/12/2022	
Planning Commission Hearing Date:	01/04/2022	
BZA Hearing Date:	Case Number: Z2022-03	
Comments:		
City of Marietta Planning & Zoning		



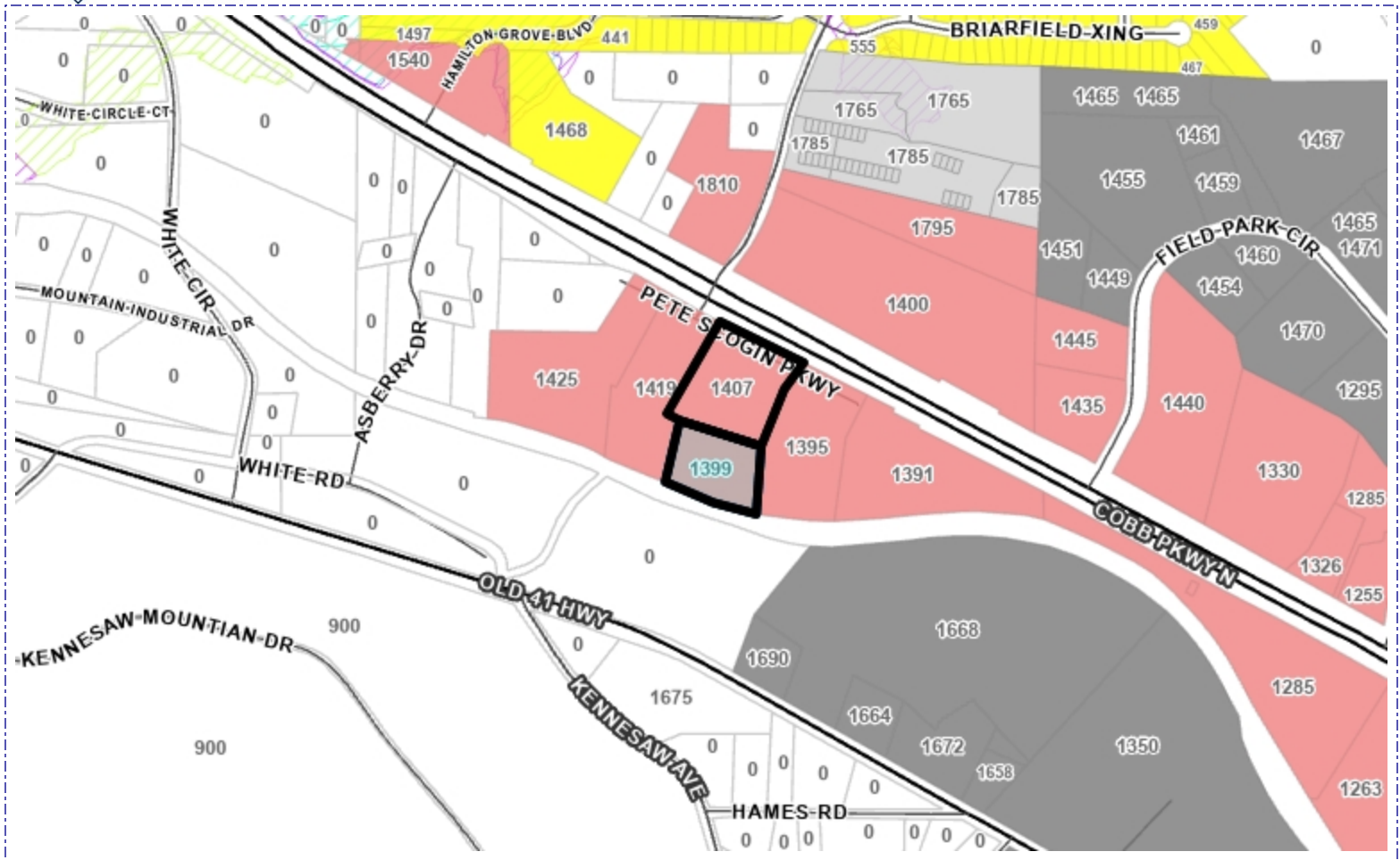
# Rezoning




















Address		Parcel Number	Acreage	Ward	Zoning	FLU
1399 COBB PKWY N		16093400260	1.908	4B	CRC	CAC
1407 COBB PKWY N		16086700440	2.991	4B	CRC	CAC
Property Owner: Must Ministries, Inc & Djak Investments, LLC					<div><b>Zoning Symbols</b></div> <div></div>	
Applicant: Gracepoint School, Inc.						
Proposed Zoning:						
Agent:						
Proposed Use: O & I						
Planning Commission Date: 01/04/2022						
City Council Hearing Date: 01/12/2022 Case Number: Z2022-03						
City of Marietta Planning & Zoning						

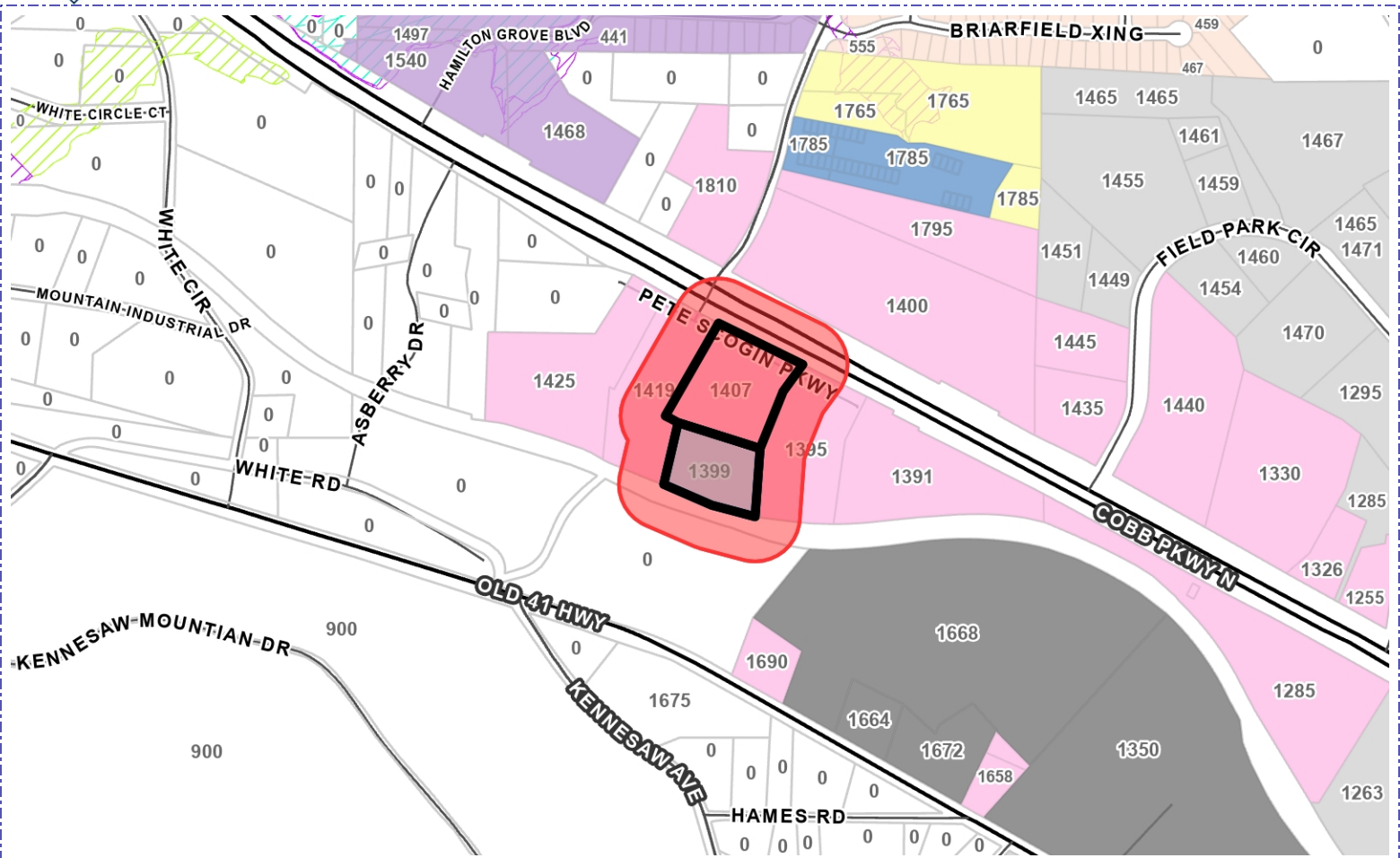


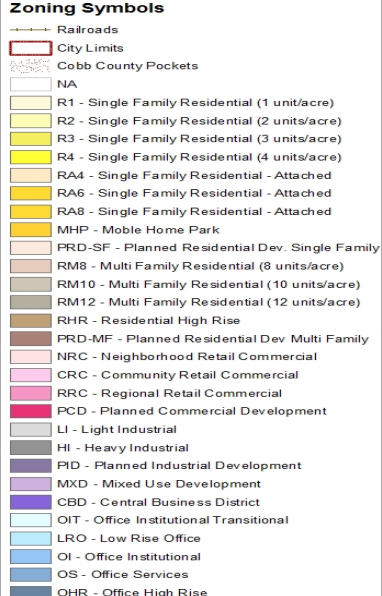
# Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1399 COBB PKWY N	16093400260	1.908	4B	CRC	CAC
1407 COBB PKWY N	16086700440	2.991	4B	CRC	CAC
Planning Commission Hearing Date:	01/04/2022	<div>Future Land Use Symbols</div> <div><div> Railroads</div><div> City Limits</div><div> Cobb County Pockets</div><div> RAC - Regional Activity Center</div><div> CAC - Community Activity Center</div><div> NAC - Neighborhood Activity Center</div><div> CBD - Central Business District</div><div> MXD - Mixed Use Development</div><div> CSI - Community Service and Institutional</div><div> HDR - High Density Residential</div><div> MDR - Medium Density Residential</div><div> LDR - Low Density Residential</div><div> OSC - Open Space / Conservation</div><div> PR - Parks / Recreation</div><div> IW - Industrial Warehousing</div><div> IM - Industrial Manufacturing</div><div> TCU - Transportation and Utilities</div></div>			
City Council Hearing Date:	01/12/2022				
Future Land Use:	CRC				
Case Number:					
Comments:					
City of Marietta Planning & Zoning					

# 200ft Buffer



Address		Parcel Number	Acreage	Ward	Zoning	FLU
1399 COBB PKWY N		16093400260	1.908	4B	CRC	CAC
1407 COBB PKWY N		16086700440	2.991	4B	CRC	CAC
Property Owner: Must Ministries, Inc & Djak Investments, LLC					<div><b>Zoning Symbols</b></div> <div></div>	
Applicant: Gracepoint School, Inc.						
Proposed Zoning:						
Agent:						
Proposed Use: O & I						
Planning Commission Date: 01/04/2022		BZA Hearing Date:				
City Council Hearing Date: 01/12/2022		Case Number: Z2022-03				
City of Marietta Planning & Zoning						



**Figure 2: GRACEPOINT School Conceptual Floor Plan**



FIRST AMERICAN TITLE INSURANCE COMPANY  
SCHEDULE B - SECTION 2 EXCEPTIONS  
COMMITMENT NO. 21-104  
Effective Date: July 16, 2021  
SURVEYOR COMMENTS (BOLD)

3. Sewer Easement to Cobb County, dated November 4, 1971, and recorded at Deed Book 1282, Page 430, Cobb County, Georgia Records.  
**(DOES NOT AFFECT SUBJECT PROPERTY)**
4. 50 foot Ingress-Egress Easement as contained in the Warranty Deed from Bruce A. Kysour and Sally O. Kysour to James L. Kysour, dated January 11, 1982, and recorded at Deed Book 2472, Page 242, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY AS SHOWN)**
5. Terms and conditions of that Reciprocal Easement Agreement and Maintenance Agreement between William W. Scogin, Jr., Family Investments, LLC, ANA Properties I, LLC, ANA American Storage Systems I, LLC, ANA Properties, S. LLC, and ANA Properties, LLC, dated March 8, 2005, and recorded at Deed Book 14124, Page 1557, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY AS SHOWN)**
6. Terms and conditions of that Reciprocal Easement Agreement and Maintenance Agreement between ANA Properties I, LLC, ANA American Storage Systems I, LLC, ANA Properties S, LLC, and ANA Properties, LLC, dated March 8, 2005, and recorded at Deed Book 14124, Page 1596, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY AS SHOWN)**
7. Terms and conditions of that Declaration of Easement, Restrictions and Covenants by ANA Properties I, LLC, ANA American Storage Systems I, LLC, ANA Properties S, LLC and ANA Properties, LLC, dated March 8, 2005, and recorded at Deed Book 14124, Page 1631, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY AS SHOWN)**
8. Rights of others, if any, in the purported abandoned right of way of White Road, an apparent 30' prescriptive easement in each of the.
- (MAY AFFECT SUBJECT PROPERTY, NOT PLOTTABLE)**
9. Easement Agreement between Cornerstone Properties VI, LLC and MUST Ministries, Inc., dated January 8, 2008, and recorded at Deed Book 14571, Page 792, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY AS SHOWN)**
10. All matters affecting the land as recorded at Plat Book 238, Page 34, Cobb County, Georgia Records.  
**(AFFECTS SUBJECT PROPERTY, BLANKET IN NATURE)**

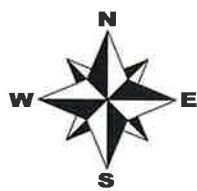
LEGEND

BOUNDARY	---
ADJ. BOUNDARY	---
BUILDING	▬▬▬
WALL	▬▬▬
FENCE	---
SAN. SEWER LINE	---
LAND LOT LINE	---
STORM SEWER LINE	---
JUNCTION BOX	⊕
SINGLE WING C.B.	⊕
DOUBLE WING C.B.	⊕
DROP INLET (D)	⊕
SAN. SEWER MANHOLE	⊕
FIRE HYDRANT	⊕
WATER METER	⊕
IRRIG. CONTROL VALVE	⊕
WATER VALVE	⊕
FIRE DEPT. CONNECTION	⊕
SPRINKLER HEAD	⊕
CLEANOUT	⊕
TELE. PEDestal	⊕
ELECTRIC BOX	⊕
ELECTRIC METER	⊕
PULL BOX	⊕
LIGHT POLE	⊕
POWER POLE	⊕
11/2" PARKING	⊕
BOLLARD	⊕
MAIL BOX	⊕
SIGN	⊕
SCHEDULE B EXCEPTIONS	⊕
FOUND PROPERTY CORNER	⊕
PROPERTY LINE POINT	⊕
PARKING SPACE COUNTS	⊕

SURVEYOR'S NOTES

1. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.
2. THE UTILITIES SHOWN ARE FOR THE CLIENT'S CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN HEREON. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN. ALL DAMAGES MADE TO EXISTING UTILITIES BY THE OWNER OR THE OWNER'S AGENT, SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER, OR THE OWNER'S AGENT, AND UNDERGROUND TANKS, GAS LINES, WATER LINES, SEWER LINES, ETC.
3. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
4. ACCORDING TO THE F.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13067C0102J, EFFECTIVE DATE 10/5/2018 COBB COUNTY, GEORGIA, AND INCORPORATED AREAS, THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA. THE SUBJECT PROPERTY LIES IN FLOOD ZONE X.
5. FIELD WORK FOR THIS PROJECT WAS COMPLETED ON 11/18/2021. THE INITIAL CONTROL POINTS FOR THIS SURVEY WERE LOCATED UTILIZING GPS. THE EQUIPMENT USED WAS A TRIMBLE R6 MODEL 3 DUAL FREQUENCY RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RUNNING TRIMBLE ACCESS SOFTWARE. NETWORK RTK CORRECTIONS WERE RECEIVED BY TRIMBLE. THE TYPE OF SURVEY WAS NETWORK RTK UTILIZING THE TRIMBLE VRS NOW REAL TIME NETWORK OPERATED BY TRIMBLE. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .04 FEET HORIZONTAL AND .07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
6. THE BEARINGS SHOWN ON THIS PLAT WERE BASED ON A GRID NORTH GEORGIA STATE PLANNED COORDINATE SYSTEM - WEST ZONE NAD83 AS ESTABLISHED BY CROY-ENGINEERING LLC. DISTANCES AND AREAS SOWN REFLECT HORIZONTAL GROUND SURFACE MEASUREMENTS. BOUNDARY CLOSURE PRECISION 1" IN 192,559'.
7. BOUNDARY AND RIGHT OF WAY INFORMATION SHOWN HEREON IS DERIVED FROM EXISTING MONUMENTS AND INFORMATION LOCATED IN THE PROCESS OF CONDUCTING THIS SURVEY, INFORMATION FOUND IN DEEDS AND PLATS AND TAKEN FROM OTHER SOURCES SUCH AS THE ROADS DEPARTMENT AND TAX ASSESSOR'S OFFICE.
8. THE SUBJECT PROPERTY HAS ACCESS TO PUBLIC RIGHT OF WAY VIA A PRIVATE DRIVE AND EASEMENT.
9. NO DETERMINATION OF WETLANDS WAS PERFORMED BY A QUALIFIED SPECIALIST OR OBSERVED BY SURVEYOR DURING FIELD WORK.
10. NO OBSERVED EVIDENCE OF EARTH MOVING WORK OR BUILDING CONSTRUCTION.
11. NO OBSERVED EVIDENCE OF RECENT SETBACK OR SIDEWALK CONSTRUCTION OR REPAIRS.
12. NO OBSERVED EVIDENCE OF SOIL WASH, DUMP, SUMP OR SANITARY LANDFILL.
13. THE REAL PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME PROPERTY DESCRIBED IN THAT CERTAIN TITLE COMMITMENT NUMBER 21-104 BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JULY 16, 2021 AT 5:00 P.M.

GRID NORTH



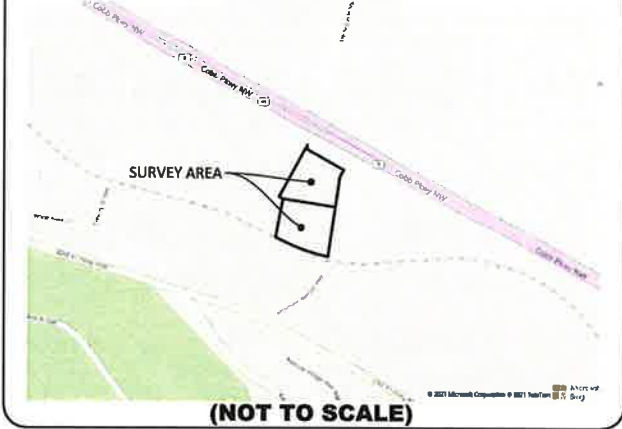
GEORGIA WEST ZONE - NAD 83 (2011)

SCALE IN FEET  
1" = 50'

REFERENCES

1. DEED BOOK 14571, PAGE 784  
2. DEED BOOK 14571, PAGE 789  
3. PLAT BOOK 238, PAGE 34

VICINITY MAP



LEGAL DESCRIPTION (FIELD MEASURED)

TRACT E

All that tract or parcel of land lying and being in Land Lots 866 and 867 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Commencing at a PK Nail found on the Westerly limits of the 50 foot Ingress-Egress Easement Property of William W. Scogin, Jr. as shown in Plat Book 238, Page 34 for Bil-Jac Road (Private Drive); said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING as thus established along the Ingress-Egress Easement of Bil-Jac Drive the following courses and distances: South 00 degrees 46 minutes 08 seconds East, for a distance of 4.92 feet to a PK Nail found; Thence South 04 degrees 44 minutes 50 seconds West, for a distance of 22.91 feet to a #5 Rebar Set with Cap; Thence South 60 degrees 24 minutes 25 seconds East, for a distance of 267.85 feet to a PK Nail Set in Concrete; Thence departing said easement South 30 degrees 15 minutes 17 seconds West, for a distance of 49.88 feet to a PK Nail Set in Concrete; Thence South 08 degrees 19 minutes 09 seconds West, for a distance of 394.89 feet to a #4 Rebar found on the property line common to Tract E and F; Thence along said property line North 81 degrees 13 minutes 50 seconds West, for a distance of 336.23 feet to a #4 Rebar found; Thence departing said common line North 58 degrees 54 minutes 23 seconds West, for a distance of 29.15 feet to a #4 Rebar found; Thence North 28 degrees 34 minutes 15 seconds East, for a distance of 375.34 feet to the POINT OF BEGINNING.

The herein described tract of land contains 2.14 Acres of land, more or less.

TOGETHER WITH

TRACT F

All that tract or parcel of land lying and being in Land Lots 866, 867, 934, and 935 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Commencing at a #4 Rebar found on the North-Easterly limits of L&N Railroad Right-of-Way (Located 28.5 feet from the Centerline of Tracks); said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING as thus established departing said Right of Way North 10 degrees 56 minutes 34 seconds East, for a distance of 247.90 feet to a #4 Rebar found on the property line common to Tract E and F; Thence along said property line South 81 degrees 13 minutes 50 seconds East, for a distance of 336.23 feet to a #4 Rebar found; Thence departing said common line South 08 degrees 19 minutes 09 seconds West, for a distance of 321.13 feet to a point on the North-Easterly limits of L&N Railroad Right-of-Way (Located 28.5 feet from the Centerline of Tracks); Thence along said Right of Way the following courses and distances: on a curve to the right with a radius of 1185.96 feet, an arc length of 321.04 feet, with a chord bearing of North 70 degrees 06 minutes 29 seconds West and a chord distance 320.06 feet to a point (Located 28.8 feet from the Centerline of Tracks); Thence North 62 degrees 21 minutes 13 seconds West, for a distance of 36.04 feet to the POINT OF BEGINNING.

The herein described tract of land contains 2.31 Acres of land, more or less.

PROPERTY INFORMATION

A PZR ZONING REPORT WAS NOT PROVIDED TO THE SURVEYOR DURING THE PERFORMANCE OF THIS SURVEYING EFFORT OR AS PART OF THE TITLE COMMITMENT.

PROPERTY INFORMATION:

TRACT E: 2.14 ACRES  
PID: 16086700440  
DB: 14571 PG 784 / PB 238 PG 34  
ADDRESS: 1407 N. COBB PKWY  
OWNER: MUST MINISTRIES, INC.

TRACT F: 2.31 ACRES  
PID: 16093400260  
DB: 15154 PG 2187 / PB 238 PG 34  
ADDRESS: 1411 N. COBB PKWY  
OWNER: DIAK INVESTMENTS, LLC

PARKING SPACES: 232 TOTAL PARKING SPOTS (INCLUDES 5 A.D.A. SPOTS)

SURVEYOR'S CERTIFICATE

The undersigned, Registered Public Surveyor hereby certifies to: FIRST AMERICAN TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY; MUST MINISTRIES, INC; GRACEPOINT CHURCH, INC; DIAK INVESTMENTS, LLC; BENTLEY LAW FIRM

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11, 13, 16, & 20 (parking easement creation) of Table A thereof. The field work was completed on 11/15/2021. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, I further certify that, in my professional opinion as a land surveyor registered in the State of Georgia, the Relative Positional Accuracy of this survey does not exceed that which is specified hereon.

(iii) This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. Recordation of this plat does not imply approval of any local jurisdiction, availability of permits, compliance with local regulations or requirements, or suitability for any use or purpose of the land. Furthermore, the undersigned land surveyor certifies that this plat complies with the Minimum Technical Standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

S. CLARK TOMPKINS  
GEORGIA RLS. NO. 3257  
CERTIFICATE OF AUTHORIZATION NO. LSF000878



SHEET NO.  
1  
OF  
1

Date  
Revision

Project No.	2466.001
Field Surveyed:	11/18/2021
Drawn By:	TBA
Checked By:	SC
Date of Plot:	11/18/2021
Scale:	1" = 50'



200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413  
MARIETTA, GA 30062  
PHONE: (770) 871-5407 FAX: (770) 871-0820

ALTA/NSPS LAND TITLE SURVEY FOR:  
FIRST AMERICAN TITLE INSURANCE COMPANY; MUST MINISTRIES, INC;  
GRACEPOINT CHURCH, INC; DIAK INVESTMENTS, LLC; BENTLEY LAW FIRM  
LAND LOTS 866, 867, 934 & 935  
OF THE 16TH DISTRICT, 2ND SECTION  
CITY OF MARIETTA, COBB COUNTY, GEORGIA